

AGENDA
TRAVERSE CITY BOARD OF ZONING APPEALS
REGULAR MEETING
TUESDAY, DECEMBER 9, 2014
7:00 P.M.
Committee Room, Governmental Center, 2nd Floor
400 Boardman Avenue
Traverse City, Michigan 49684
231-922-4464

- 1. CALL MEETING TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES-** Approval of the July 8, 2014 regular meeting minutes.
- 4. REQUEST 14-BZA-10 – A REQUEST FROM PAUL SCHMUCKAL, SCHMUCKAL OIL COMPANY, 1516 BARLOW STREET, TRAVERSE CITY, MICHIGAN for:**

A dimensional variance to allow for the cooler addition (12' x 32'-8") to be located on the rear (north) property line, have an impervious ratio (lot coverage) of 99 percent and not bring the parking lot into compliance with Chapter 1374, *Circulation and Parking*, of the City of Traverse City Zoning Code located at the property commonly known as **501 East Eighth Street**, Traverse City, Michigan (Marathon Gas Station).
- 5. REQUEST 14-BZA -11- A REQUEST FROM ANDREW KOHLMAN, OWNER OF IMAGE 360, 1702 BARLOW STREET, TRAVERSE CITY, MICHIGAN for:**

An exception from the Sign Ordinance to allow for the installation of a freestanding sign with an area of 120 square feet and a height of 8 feet located at the property commonly known as **722 Munson Avenue**, Traverse City Michigan (East Bay Plaza).
- 6. PUBLIC COMMENT**
- 7. ADJOURNMENT**

The City of Traverse City does not discriminate on the basis of disability in the admission or access to or treatment or employment in, its programs or activities. Penny Hill, Assistant City Manager, 400 Boardman Avenue, Traverse City, Michigan, 49684, 922-4481, T.D.D., 922-4412, has been designated to coordinate compliance with the non-discrimination requirements contained in Section 35.107 of the Department of Justice regulations. Information concerning the provisions of the Americans with Disabilities Act, and the rights provided thereunder, are available from the ADA Coordinator. If you are planning to attend and you have a disability requiring any special assistance at the meeting and/or if you have any concerns, please immediately notify the ADA Coordinator.

**MINUTES
TRAVERSE CITY BOARD OF ZONING APPEALS
REGULAR MEETING
TUESDAY, JULY 8, 2014**

7:00 P.M.

**Commission Chambers, Governmental Center, 2nd Floor
400 Boardman Avenue
Traverse City, Michigan 49684**

PRESENT: Members Bergman, Szajner, Jones, Lomasney, Rafferty, Donaldson (7:03 p.m.), Hanley and Vice-Chairperson Callison and Chairperson Cockfield.

ABSENT: None.

1. CALL MEETING TO ORDER

The meeting was called to order at 7:00 p.m.

2. APPROVAL OF MINUTES- Approval of the June 10, 2014 regular meeting minutes.

Motion by Vice-Chairperson Callison, seconded by Member Lomasney to approve the June 10, 2014 regular meeting minutes as amended. Upon vote the motion carried 8-0.

3. REQUEST 14-BZA-08 – A REQUEST FROM DAN AND BRITTON FULLER 818 MUNSON AVENUE, TRAVERSE CITY, MICHIGAN for:

An exception that would permit a daycare facility with a capacity of 36 children located at the property commonly known as **703 Rose Street**, Traverse City, Michigan (U.A.W. Hall).

Dan and Britton Fuller presented drawings and answered question from the Board.

Colleen Mulligan, 1226 Rose Street, Traverse City, Michigan spoke in favor of granting the exception.

Motion by Vice-Chairperson Callison, seconded by Member Bergman to grant an exception to permit a daycare facility with a capacity of 36 children located at the property commonly known as 703 Rose Street, Traverse City Michigan based on the Statement of Conclusions and Finding of Fact contained in the Order Granting for Exception No. 14-BZA-08. Upon vote the motion carried 8-1 with Member Donaldson voting in opposition.

4. REQUEST 14-BZA-09 - FROM DOUG MANSFEILD, MANSFIELD AND ASSOCIATES, 830 COTTAGEVIEW DRIVE, TRAVERSE CITY, MICHIGAN for:

A dimensional variance to allow for the construction of a 4-story, 34,644 square foot (8,666 square feet per floor), 16 unit residential building located at the property commonly known as **537 Bay Street**, Traverse City, Michigan.

Doug Mansfield presented drawings and answered question from the Board.

Wendell Johnson, Smith & Johnson Attorneys, 603 Bay Street, Traverse City, Michigan, spoke against granting the variance.

Harry Wierenga, with Fleis & Vandenbrink, 603 Bay Street, Traverse City, Michigan, spoke against granting the variance.

Bob Eichenlaub, 531 Randolph Street, Traverse City, Michigan, spoke against granting the variance.

Walt Muellenhagen, Trustee with the Elk's Lodge, 625 Bay Street, Traverse City, Michigan, spoke against granting the variance.

Sue Round, 530 Second Street, Traverse City, Michigan, spoke against granting the variance.

Tom Krause, 488 Munson Avenue, Traverse City, Michigan, spoke in favor of granting the variance.

Doug Mansfield addressed the board.

Motion by Member Raferty, seconded by Vice-Chairperson Callison to deny a dimensional variance to allow for the construction of a 4-story, 34,644 square foot (8,666 square feet per floor), 16 unit residential building located at the property commonly known as 537 Bay Street, Traverse City, Michigan, based on the Statement of Conclusions and Finding of Fact contained in the Order Denying for Variance No. 14-BZA-09.

5. PUBLIC COMMENT

None.

6. ADJOURNMENT

The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

David Weston, Planning and Zoning Administrator

Date: _____

**CITY OF TRAVERSE CITY
ORDER AUTHORIZING
EXCEPTION NO. 14-BZA-08**

Pursuant to the City of Traverse City Code of Ordinances § 1324.05(e)(4), Exceptions, the Board of Zoning Appeals hereby authorizes an exception for the following:

Street Address: 703 Rose Street, Traverse City, Michigan
Property Description: 717-B LOTS 8-9-10 WOOD FIRST ADD
Exception Granted: An exception to permit a daycare facility with a capacity of 36 children located at the property commonly known as 703 Rose Street, Traverse City Michigan.
Applicant/Owner: Dan and Brittni Fuller.

It is determined that the Applicant has demonstrated a hardship as well as showing of good and sufficient cause authorizing a variance by the City of Traverse City Code of Ordinances. The findings of fact and reasons upon which this determination is based are as follows:

1. The attached Statement of Conclusions and Finding of Fact are incorporated herein by reference.
2. The procedures and requirements for variance decisions by law and ordinance have been followed.

This Order shall not be deemed to be City approval for anything other than the variance authorized by this order and shall not relieve the owner or occupier of the land from obtaining any other license, permit or approval required by law or ordinance.

I hereby certify that the above Order was adopted on _____, _____, at a regular meeting of the Board of Zoning Appeals for the City of Traverse City at the County Committee Room, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Date: _____

David Weston, Planning and Zoning
Administrator

Note: A decision of the Board of Zoning Appeals shall be final. However, any party having a substantial interest affected by an order, determination or decision by the Board of Zoning Appeals may appeal to the Circuit Court, if made to the Court within twenty-eight (28) days after rendering the final decision or upon grant by the Court of leave to appeal. Codified Ordinances of Traverse City Michigan §1324.07(a).

STATEMENT OF CONCLUSION AND FINDINGS OF FACTS 14-08

The following are the Statements of Conclusions supported by evidence submitted to the Board of Zoning Appeals in connection with a request for an exception, Request No. 14-BZA-08, for the property commonly known as **703 Rose Street**, Traverse City, Michigan, from Dan and Brittnei Fuller.

1. The change will not unreasonably delay future probability of compliance with the Zoning Code.
2. There will be greater compliance with the Zoning Code if the change is permitted, and such compliance is the maximum which can be reasonably expected.
3. The change will not be detrimental to or tend to alter the character of the neighborhood.

The foregoing Statement of Conclusions is supported by the following Findings of Fact No 14-08:

1. The previous use was a U.A.W. Hall and is considered a Class 1 nonconforming use.
2. The applicants will be eliminating the nonconforming gravel parking lot.
3. If onsite parking is installed it will meet the requirements of Chapter 1374 of the Zoning Code.
4. The applicant's will work with parents to have staggered drop off times.
5. Hours of operation will be from 7:30a.m. to 5:30 p.m., Monday thru Friday.
6. There will be 7-10 employees associated with the daycare facility.
7. A daycare facility in the neighborhood with a school nearby will be beneficial for working families in the neighborhood.

**CITY OF TRAVERSE CITY
ORDER DENYING
VARIANCE NO. 14-BZA-09**

Pursuant to the City of Traverse City Code of Ordinances § 1324.05(d), Variances, the Board of Zoning Appeals hereby denies a dimensional variance for the following:

Street Address: 537 Bay Street
Property Description: 2582 LOT 13 BLK 1 HANNAH LAY & CO'S 4TH ADD. ALSO E
1/2 OF VACATED MAPLE ST LYING ADJTHERETO.
Variance Denied: A dimensional variance to allow for the construction of a
4-story, 34,644 square foot (8,666 square feet per floor),
16 unit residential building located at the property
commonly known as 537 Bay Street, Traverse City,
Michigan.
Applicant: Doug Mansfield, 830 Cottageview Drive, Traverse City,
Michigan.

It is determined that the Applicant has failed to demonstrate a practical difficulty or the basic conditions for granting a variance required by the Zoning Code. The findings of fact and reasons upon which this determination is based are as follows:

1. The attached Statement of Conclusions and Finding of Fact are incorporated herein by reference.
2. The procedures and requirements for variance decisions by law and ordinance have been followed.

This Order shall not be deemed to be City approval for anything other than the variance authorized by this order and shall not relieve the owner or occupier of the land from obtaining any other license, permit or approval required by law or ordinance.

I hereby certify that the above Order was adopted on _____, _____,
at a regular meeting of the Board of Zoning Appeals for the City of Traverse City at the
County Committee Room, Governmental Center, 400 Boardman Avenue, Traverse City,
Michigan.

Date: _____

David Weston, Planning and Zoning
Administrator

Note: A decision of the Board of Zoning Appeals shall be final. However, any party having a substantial interest affected by an order, determination or decision by the Board of Zoning Appeals may appeal to the Circuit Court, if made to the Court within twenty-eight (28) days after rendering the final decision or upon grant by the Court of leave to appeal. Codified Ordinances of Traverse City Michigan §1324.07(a).

STATEMENT OF CONCLUSION AND FINDINGS OF FACTS 14-BZA-09

The following are the Statements of Conclusions supported by evidence submitted to the Board of Zoning Appeals in connection with a request for a dimensional variance, Request No. 14-BZA-09, for the property commonly known as **537 Bay Street**, Traverse City, Michigan, from Doug Mansfield.

1. Practical difficulty. There are no exceptional or extraordinary circumstances or physical conditions that do not generally apply to other properties or uses in the same district.
2. In granting the variance, the spirit of the Zoning Code would not be observed.
3. The practical difficulty is not unique to the property and is common to the general neighborhood.
4. Granting the variance is unnecessary for the preservation of a substantial property right possessed by other properties in the same zoning district.
5. There is no clear showing of an unnecessary hardship in that the property as a whole cannot reasonably be put to a use authorized by the Zoning Code.
6. The alleged hardship is solely economic.

The foregoing Statement of Conclusions are supported by the following Findings of Fact No 14-BZA-09:

1. The property is zoned C-1 and residential buildings are limited to of a foot print of 4,500 square feet and a total floor area of 13,500 square feet.
2. The minimum lot size in the C-1 District is 3,750 square feet.
3. The side yard setback in a C-1 District is zero.
4. The parcel could be split and two separate 13,500 square foot buildings could be built that share a common wall by right.



Communication to the Board of Zoning Appeals

FOR THE MEETING OF: December 9, 2014

FROM: DAVID WESTON, ZONING ADMINISTRATOR *DW*

SUBJECT: REQUEST 14-BZA-10

DATE: December 5, 2014

You have a request from Paul Schmuckal, Schmuckal Oil Company, 1516 Barlow Street, Traverse City, Michigan for relief from the zoning regulations to allow for the construction a 392 square foot (12' x 32'-8") cooler addition to the east side of the building located at the property commonly known as **501 East Eighth Street**, Traverse City, Michigan (Marathon Gas Station).

The property mentioned is zoned C-2 (Neighborhood Center District) and a building addition is required to have a minimum rear yard setback of 5 feet. Parcels in the district are not to exceed an impervious surface (lot coverage) of 70 percent and when a building addition is proposed the Zoning Code requires that nonconforming parking lots be brought up to compliance with Chapter 1374, *Circulation and Parking*, of the City of Traverse City Zoning Code.

Mr. Schmuckal will be requesting a dimensional variance to allow for the cooler addition to be located on the rear (north) property line, have an impervious ratio (lot coverage) of 99 percent and not bring the parking lot into compliance with Chapter 1374, *Circulation and Parking*, of the City of Traverse City Zoning Code.



City of Traverse City

APPLICATION FEE: \$240.00	Date of Application: <u>10-22-14</u>
Check Number: <u>9759</u>	Date of Public Hearing: <u>11-11-14</u>
Receipt Number: <u>18450</u>	Case Number: _____

TRAVERSE CITY BOARD OF ZONING APPEALS APPLICATION

for Variance, Exception, Appeal, Ordinance Interpretation or
Reconsideration

PROPERTY DESCRIPTION (legal description AND property address): P.L.N. 51-798-101-00
501 E. EIGHTH ST.

REQUEST AND PROPOSED PROJECT:

5' REAR SETBACK VARIANCE FOR NEW COOLER
PARKING & INTERIORS SURFACE

TO BE COMPLETED BY ZONING ADMINISTRATOR:

Request: Appeal for Administrative Decision _____
Interpretation of Ordinance _____
Exception _____
Variance _____

Name: PAUL SCHMIDT Phone: 946-2803 Fax: _____

Address: 1516 BARLOW

Signature of Owner: _____

Signature of Applicant (if different): [Signature]

Relationship of Applicant to Owner: PAUL SCHMIDT'S ARCHITECT

**APPLICATIONS MUST BE RECEIVED A MINIMUM OF 21 DAYS PRIOR
TO THE MEETING AT WHICH THE REQUEST WILL BE CONSIDERED.**

REPRESENTATION AT HEARING: THE APPLICANT OR THE APPLICANT'S AUTHORIZED AGENT MUST BE PRESENT AT THE PUBLIC HEARING TO PROPERLY ANSWER QUESTIONS CONCERNING THE APPEAL. IF THE APPLICANT OR AGENT IS NOT PRESENT, THE APPEAL MAY BE DEFERRED UNTIL THE NEXT MEETING OR DISMISSED AT THE DISCRETION OF THE BOARD.

*** PLEASE NOTE THE REVERSE SIDE FOR SITE PLAN REQUIREMENTS ***

Kuschell Properties

APARTMENTS

Riverine

Rennie Oaks

Alpine

*Fairlane
Condominiums*

*East Bay
Apartments*

Paul Schmuckal
Schmuckal Oil Company Northern Mini Marts
1516 Barlow Street
Traverse City, MI 49686

11/10/14

Re: Board of Zoning Appeals

Dear Mr. Schmuckal:

Kuschell Properties owns the property adjacent to and directly north of 501 East Eight Street. We support your request for the installation of a cooler at that location as outlined in the Notice of Public Hearing.

Please feel free to disseminate this letter as you see fit.

Sincerely,


Richard P. Kuschell Jr.

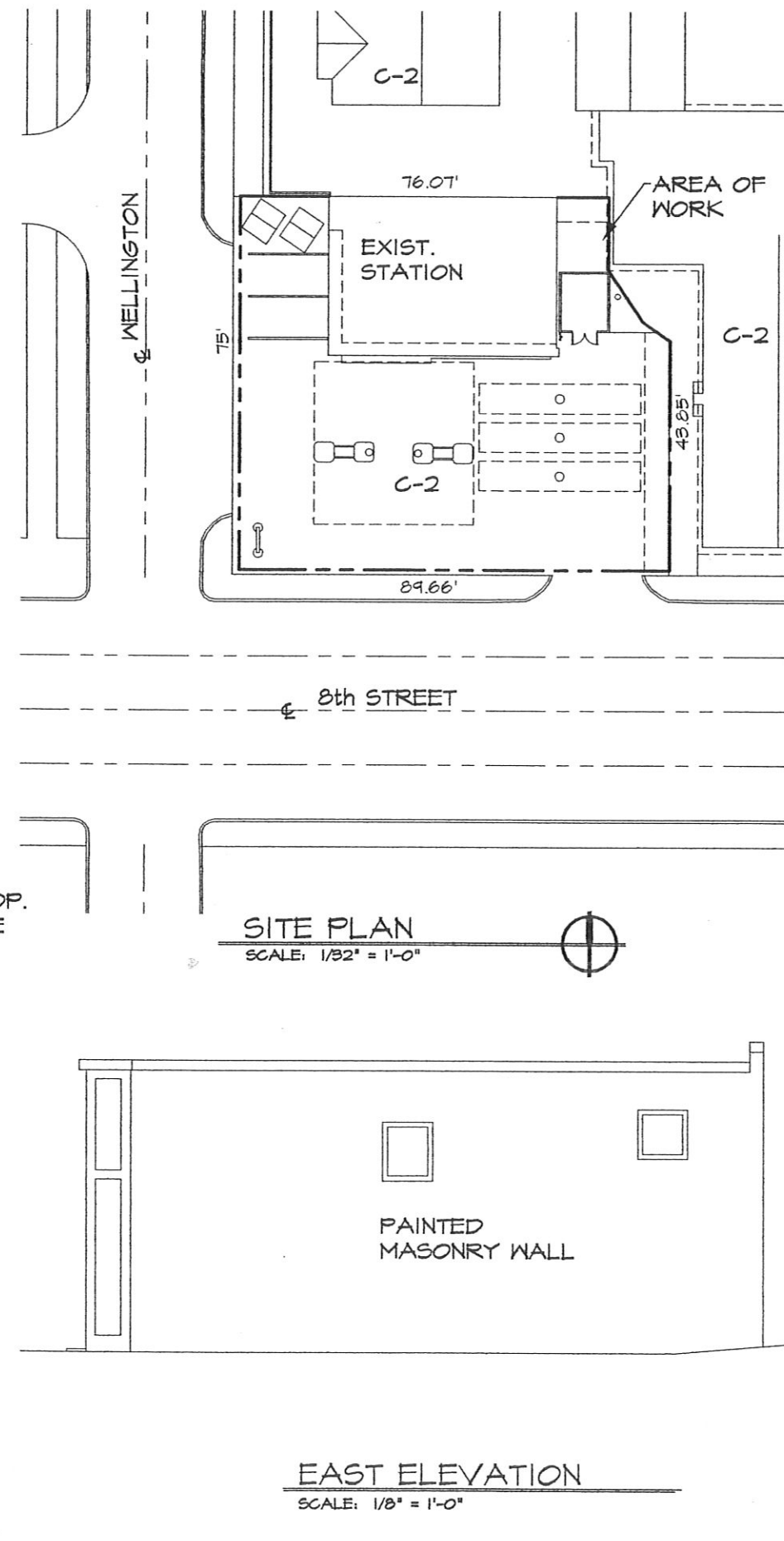
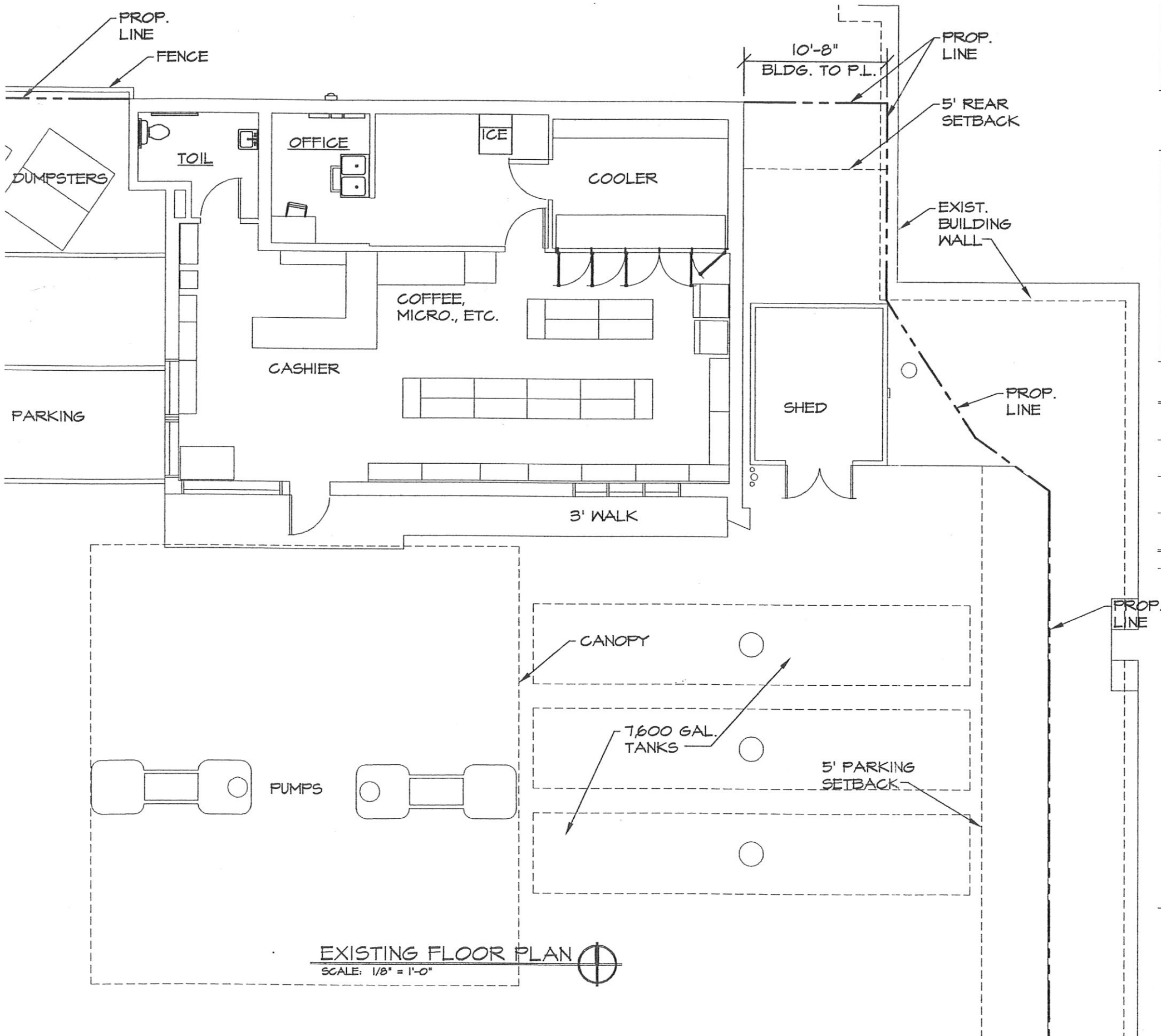
jc



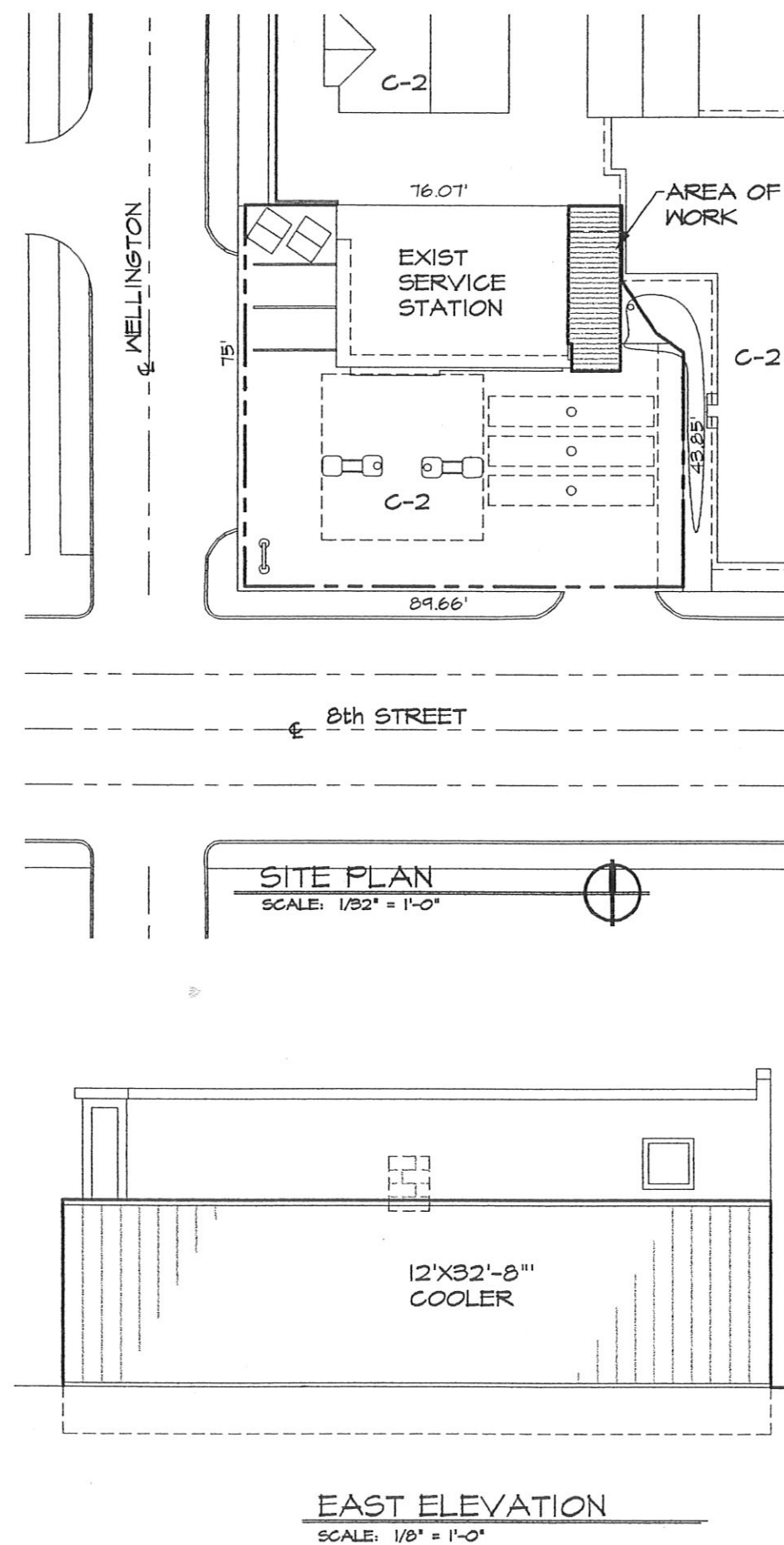
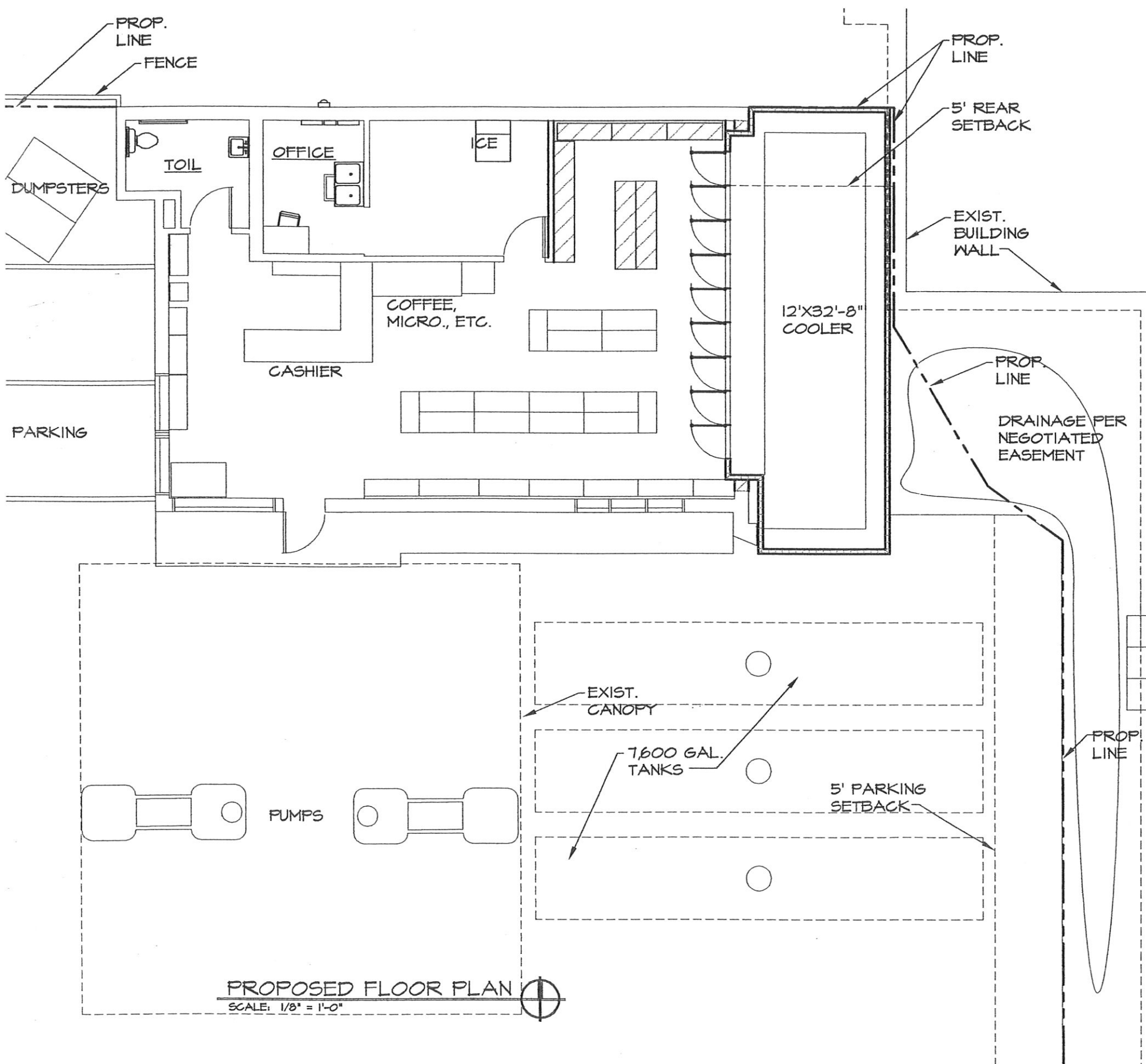
Wellington St

East Eighth Street

05/05/2014



PROJECT BY: PAUL B. FITZSIMONS - ARCHITECT 625 S. UNION TRAVERSE CITY, MICHIGAN 49684	SHEET NAME: FLOOR PLAN SITE PLAN ELEVATION	
	A COOLER ADDITION PROJECT FOR THE: SCHMUCKAL OIL CO. 8th ST. MARATHON 501 E. 8th STREET TRAVERSE CITY, MICH. 49686	
PROJECT NO. 1416	DATE: 21 OCT 2014	
B2A CONSTRUCTION FINAL RECORD	SHEET NO.	
REVISIONS:		



PROJECT BY:	PAUL B. FITZSIMONS - ARCHITECT			PROJECT NO.	1416		
	625 S. UNION				49684		
SHEET NAME:	FLOOR PLAN			A COOLER ADDITION PROJECT FOR THE:	SCHMUCKAL OIL CO.		
	SITE PLAN				8th ST. MARATHON		
SHEET NO.	ELEVATION				501 E. 8th STREET		
	TRAVERSE CITY, MICHIGAN				TRAVERSE CITY, MICH. 49686		
DATE:				21 OCT 2014			
SHEET NO.				A1			



Communication to the Board of Zoning Appeals

FOR THE MEETING OF: December 9, 2014

FROM: DAVID WESTON, ZONING ADMINISTRATOR

DMW

SUBJECT: REQUEST 14-BZA-11

DATE: December 5, 2014

A request from Andrew Kohlman, owner of Image 360, 1702 Barlow Street, Traverse City, Michigan, for relief from the signage regulations to allow for the installation of a new freestanding sign that exceeds the area requirements of the sign ordinance for the property commonly known as **722 Munson Avenue**, Traverse City, Michigan (East Bay Plaza).

The property is zoned C-3 (Community Center District) and freestanding signs are limited to an area of 40 square feet and a height of 8 feet. The applicant would like to remove an existing nonconforming sign that has an area of 155 square feet and a height of 24 feet and install a new sign which has an area of 120 square feet and a height of 8 feet.

Mr. Kohlmann will be requesting an exception from the Board of Zoning Appeals to allow for the new freestanding sign to exceed the maximum area requirements of the City Sign Ordinance.



City of Traverse City

APPLICATION FEE: \$240.00	Date of Application: <u>11-18-14</u>
Check Number: <u>12225</u>	Date of Public Hearing: <u>12-9-14</u>
Receipt Number: <u>18468</u>	Case Number: <u>14-BZA-11</u>

**TRAVERSE CITY BOARD OF ZONING APPEALS
APPLICATION**

for Variance, Exception, Appeal, Ordinance Interpretation or
Reconsideration

PROPERTY DESCRIPTION (legal description AND property address): East Bay Plaza - Corner of Avenue B and Munson Ave.

722 MUNSON AVE. TC. MI

REQUEST AND PROPOSED PROJECT:

Exception to sign zoning regulations: Lot width allows for three freestanding signs up to 40 sq. ft. each. We're requesting ONE sign at 120 sq. ft. due to the unique nature of the East Bay Plaza ingress/egress and its tenant's signage/visibility needs. The existing non-conforming sign (155 sq. ft., 24' tall) will be removed.

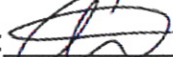
TO BE COMPLETED BY ZONING ADMINISTRATOR:

Request:	Appeal for Administrative Decision	_____
	Interpretation of Ordinance	_____
	Exception	_____
	Variance	_____

Name: Tom McIntyre Phone: 231-486-2100 Fax: 231-486-2615

Address: 158 E Front St, Traverse City, MI 49684

Signature of Owner: Tom McIntyre

Signature of Applicant (if different):  Andrew Kohlmann / Image360 / 933-7446

Relationship of Applicant to Owner: Sign Contractor

**APPLICATIONS MUST BE RECEIVED A MINIMUM OF 21 DAYS PRIOR
TO THE MEETING AT WHICH THE REQUEST WILL BE CONSIDERED.**

REPRESENTATION AT HEARING: THE APPLICANT OR THE APPLICANT'S AUTHORIZED AGENT MUST BE PRESENT AT THE PUBLIC HEARING TO PROPERLY ANSWER QUESTIONS CONCERNING THE APPEAL. IF THE APPLICANT OR AGENT IS NOT PRESENT, THE APPEAL MAY BE DEFERRED UNTIL THE NEXT MEETING OR DISMISSED AT THE DISCRETION OF THE BOARD.

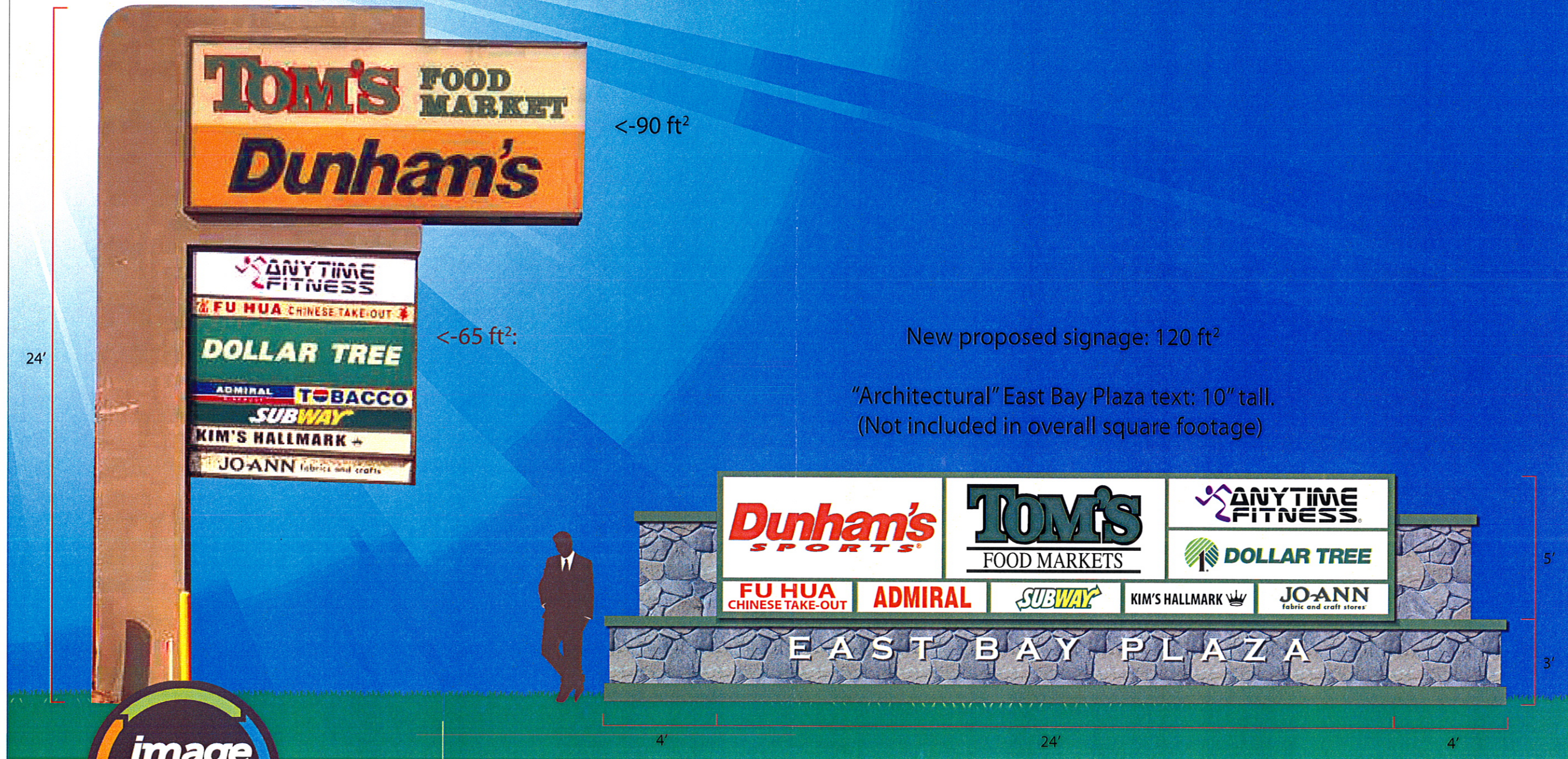
*** PLEASE NOTE THE REVERSE SIDE FOR SITE PLAN REQUIREMENTS ***



CONCEPT

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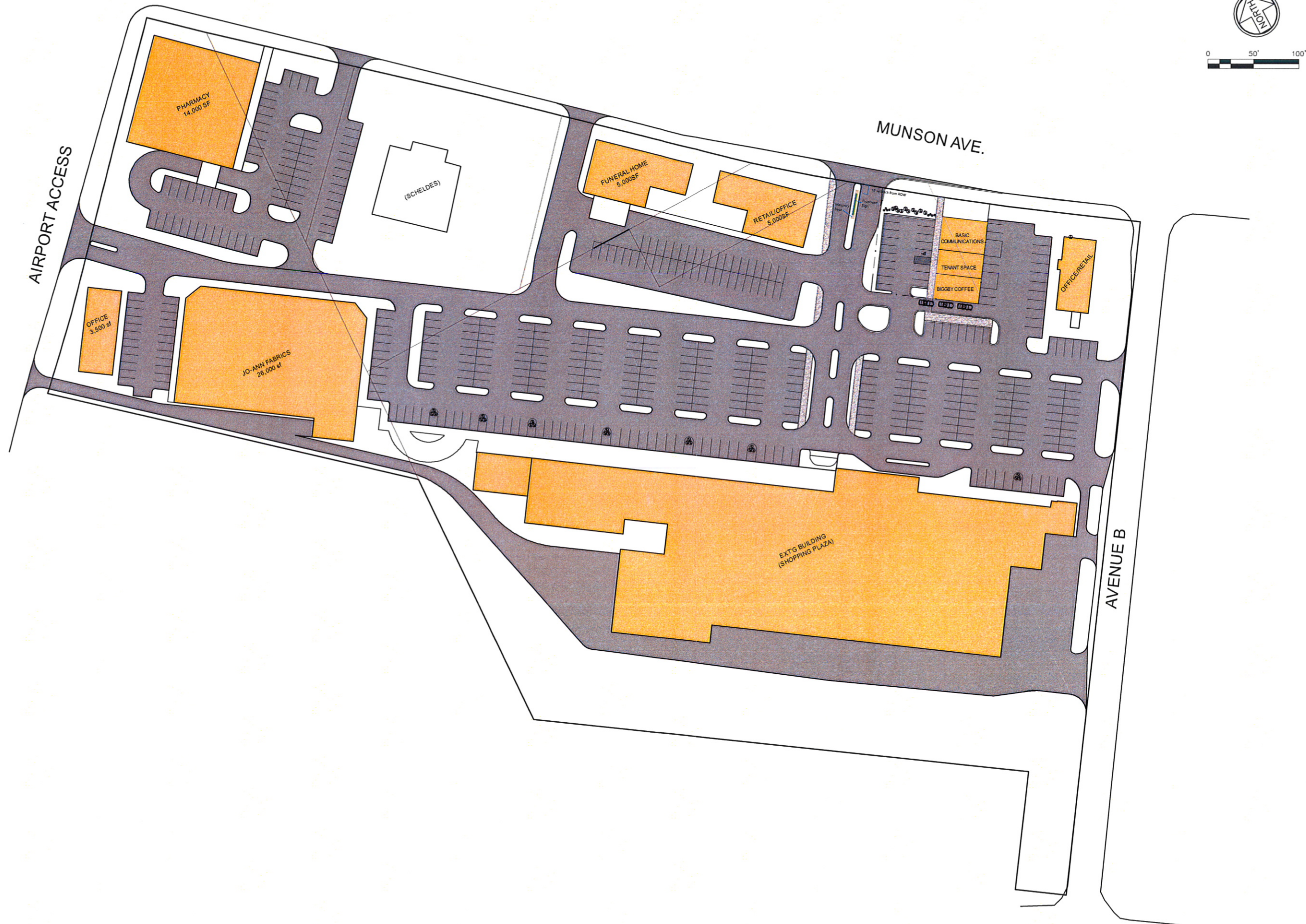
Current signage: 155 ft²



Graphics > Signage > Displays

1702 Barlow St. • Traverse City, MI 49686
(231) 933-7446 • (231) 933-3299 (fax)
image360tc.com • info@image360tc.com

Client: East Bay Plaza
Project: New monument sign
Details: See notes



MASTER PLAN

PROJECT:

JOB NO.:

2009-144

SITE PLAN

MASTER PLAN

CLIENT:

EAST BAY PLAZA

LOCATION:

CITY OF TRAVERSE CITY, GRAND TRAVERSE COUNTY, MI

3-18-14

ISSUE DATE

REVISIONS:

SITE ENGINEER:

jozwiak
consulting

p.o. box 5342 | Traverse City, MI 49696 | 231-218-1201

www.jozwiakconsulting.com

C1.0